



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-5929-2024 (O&M)
Date of Decision: 15.10.2024

RASHMI KHETRAPAL @ RSHMI KHETRAPAL ...Petitioner

Versus

AKHILESH KUMAR ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Animesh Sharma, Advocate for the respondent.

VIKAS SURI, J. (Oral)

1. This revision petition has been filed by the petitioner-wife assailing order dated 06.09.2024 (Annexure P-9) passed by the learned Principal Judge, Family Court, Gurugram, whereby evidence of the wife has been closed by Court order.

2. It would be relevant to notice that earlier the evidence of the wife was closed vide order dated 08.07.2024 (Annexure P-6), which order was assailed before this Court by way of CR-3991-2024. The said revision petition was disposed of vide order dated 06.08.2024 (Annexure P-7) considering the order proposed by both the counsel to be fair stand on their part, whereby the petitioner was granted two effective opportunities to lead her entire evidence. Direction was also issued to the trial Court to decide the main petition, expeditiously. Grant of aforesaid opportunity to lead evidence was subject to deposit of costs assessed by this Court.



3. It is not disputed that the costs have since been deposited. On 12.08.2024, the first opportunity was afforded to the petitioner, on which date petitioner filed her affidavit as well as that of RW2-Amita in lieu of examination-in-chief and the cross-examination was deferred to 06.09.2024. On the adjourned date, cross-examination of the aforesaid witnesses was recorded. During the said hearing on 06.09.2024, petitioner also sought to examine two more witnesses, namely Deepak Sikka and Nilesh Khetrapal. The trial Court noticing the conduct of the petitioner and the earlier direction issued vide order dated 08.08.2024 whereby the petitioner was required to supply copy of the affidavit of the witnesses at least seven days in advance to the other side so that cross-examination could be conducted on the same day, failing which petitioner was liable to pay an additional costs of Rs.2,000/- to the respondent, closed the evidence of the petitioner.

4. Perusal of the orders dated 12.08.2024 and 06.09.2024 do not reflect if any costs for non-furnishing of the affidavit of the witnesses seven days in advance was imposed on the petitioner. At this stage, learned counsel for the respondent submits that conduct of the petitioner is inexcusable but in order to expedite the proceedings and move forward in a fair manner, let one last and final opportunity be granted to the petitioner to conclude her entire evidence on the date already fixed, i.e. 18.10.2024 and the petitioner be put to terms for the inconvenience caused.

5. Learned counsel for the petitioner states that the petitioner would conclude her entire evidence on 18.10.2024 and the aforesaid witnesses will present themselves in the Court at 11.00 a.m. and remain present in the Court

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till their cross-examination is completely recorded or till the rising of the Court for the day.

6. Having heard leaned counsel for the parties and perused the case file, the instant petition is being disposed of in terms of the consensus noticed herein-above. Accordingly, one effective opportunity is allowed to the petitioner-wife to examine both the witnesses, namely Deepak Sikka and Nilesh Khetrapal, subject to payment of Rs.10,000/- as costs to be paid to the respondent. The trial Court shall proceed to record evidence of the said witnesses and would be at liberty to record it on any other convenient day depending upon the exigencies of work before it. It shall be the sole responsibility of the petitioner to secure the presence of her witnesses for their complete examination. Thereafter, in terms of the earlier order dated 06.08.2024 passed in CR-3991-2024, the trial Court to decide the main petition, expeditiously. It is further made clear that failing to produce the evidence or to pay costs in terms of this order, the petitioner would not be entitled to any further opportunity for the said purpose and the trial Court would proceed with the matter without this order having any bearing on the trial.

7. The revision petition is disposed of in the aforesaid terms.

October 15, 2024*sumit.k/shruti***(VIKAS SURI)
JUDGE**

Whether Speaking / Reasoned : Yes/No

Whether Reportable : Yes/No